

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, November 13, 2014, 9:04 a.m. to 11:12 a.m.

California Regional Water Quality Control Board
Colorado River Basin Region
Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 9:04 a.m. on November 13, 2014, at Palm Desert, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members Only)

Regional Board Members Present:

Buford Crites, Tom Davis, Ed Muzik, Ellen Way, Nancy Wright.

The Board Liaison stated that a quorum was present.

Regional Water Board Counsel for all matters except Item 7: Tom Vandenberg

Regional Water Board Counsel for Item 7: Samantha Olsen

Regional Board Staff Present:

Robert Perdue, Jose Angel, Soni Wells, Mary Castañeda, Abdi Haile, Mary Serra, John Carmona, Kai Dunn, Doug Wylie, Nadim Shukry-Zeywar, Liann Chavez, Francisco Costa, Jonathan Rokke, Jennie Snyder

Others Present:

Valerie Rosenkrantz, Trinity Consulting
Bud Ludwig, National Beef
Scott Beckman, G2 BIO LLC
Luis Estrada, National Beef
Tim Roberts, SCSD
Mitch Mansfield, SCSD
Van Nort, Lake Ent???
Michael Shiang, Gas Company
Eric Rihey, So Cal Gas
Jennifer Henke, CVMVCD
Mickey Luckna, Joshua Basin Water District

MINUTES

1. Minutes of September 18, 2014 Board Meeting

MOTION: Buford Crites moved, Nancy Wright seconded, to approve Minutes as amended. Motion was carried that the Minutes be adopted, as amended.

PUBLIC FORUM

2. No speakers.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2014-0059 Waste Discharge Requirements for Southern California Gas Company, Owner/Operator, South Needles Compressor Station – Needles, San Bernardino County (revised)

MOTION: Ed Muzik moved, Nancy Wright seconded, and the motion carried unanimously Order R7-2014-0059 be adopted with the errata changes.

4. R7-2014-0060 Waste Discharge Requirements for Lake Enterprises of California LLC, Owner, and G2 Bio LLC, Operator, Picacho Gold Recovery Project, 3475 Picacho Road, Imperial County (new)

MOTION: Ed Muzik moved, Nancy Wright seconded, and the motion carried unanimously Order No. R7-2014-0060 be adopted.

5. R7-2014-0061 Waste Discharge Requirements for County of Imperial, Owner/Operator, 155 South 11th Street, El Centro, CA 92243, for Closure and Post Closure Maintenance for the Brawley Class III Municipal Solid Waste Landfill, Imperial County (revised)

MOTION: Ed Muzik moved, Nancy Wright seconded, and the motion carried unanimously Order R7-2014-0061 be adopted with the errata changes.

RESOLUTION OF APPRECIATION

6. R7-2014-0056 Jeff Hays Resolution of Appreciation

MOTION: Tom Davis moved, Buford Crites seconded, and the motion carried unanimously Resolution of Appreciation R7-2014-0056 be adopted.

RESOLUTION TO APPROVE INITIAL STUDY AND ADOPT PROPOSED NEGATIVE DECLARATION

7. R7-2014-0058 Approving the Initial Study and adopting the proposed Negative Declaration for the proposed National Beef

Brawley Wastewater Pretreatment (WWPT) Facility Closure
Project, Brawley - Imperial County

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Resolution R7-2014-0058 be adopted.

OTHER BUSINESS

8. Schedule of Board Meetings for Calendar Year 2015

The Board discussed having its regularly scheduled meeting on Thursdays. Board members also discussed potential dates and places for its regularly scheduled meetings for 2015, including having a meeting in Brawley in January or March and one in the Town of Yucca Valley in June. Several Board members had potential conflicts with the tentative dates for the January, March, and May meetings. Chairwoman Way directed the Board Clerk to send an email to the Board members asking them for dates available for the Board meetings, to finalize the dates for the March through June Board meetings. In the interim, the Board scheduled January 15th, at the Board Office in Palm Desert for its next meeting.

9. Informational Update: State Water Resources Control Board Activities — FSW/TV
No updates were reported.

10. Region 7 Water Quality Standards and Cleanup Division Performance Report for SFY 2013-2014 – AH

Abdi Haile, Supervising Engineering Geologist, briefed the Board on Target Performance for FY 2014/15 for the programs under his supervision. He reported that his Division had met and in some cases exceeded all the commitments that were tracked by the State Board Annual Target Performance. He also emphasized that not all of his Division's activities/accomplishments were captured by the Annual Performance Report because a good portion of the programs under his supervision have no metrics within the context of the current Tracking System. Then he enumerated all his staffs' activities/accomplishments for FY 2014-15 not reflected in the Annual Report:

- Provided support for several key enforcement cases, including all feedlots in Imperial Valley;
- Reviewed proposed Quality Assurance Project Plans for implementation of the ag waivers for Coachella Valley and Palo Verde Valley;
- Managed the Non-point Source Program and provided progress reports on the same to State Board and USEPA;
- Pursuant to Sections 303(b) and 303(d) of the Clean Water Act, completed Regional Assessment of all surface waters (18 new listings, 7 delistings, and 21 listings addresses by other than TMDLs);
- Assisted with development of ag waivers;
- Co-chaired EJ Task Force for Eastern Coachella Valley;
- Provided oversight for development of Salt Nutrient Management Plans for Coachella Valley;
- Managed the Surface Ambient Water Quality Program (SWAMP);
- Began Triennial Review of Basin Plan; and Served on Board's Advisory Team for several key enforcement cases, including Brawley and National Beef.

11. Update on Waiver of Waste Discharge Requirements for Agricultural Runoff from the Imperial Valley – JLA

Mr. Angel informed the Board that the proposed waiver of WDRs for Agricultural Wastewater discharges from the Imperial Valley was presently going out for public review and comments and expected to bring it and the CEQA documents before the Board for consideration of adoption during the January or March 2015 Board meeting..

12. Update on New River Pollution from Mexico – JLA

Mr. Angel provided the Board a detailed presentation and a report in writing on the current and emerging problems with the sewage infrastructure in Mexicali, including historical background. He said that the problems fall into the following areas: (1) sewage collectors (i.e., pipes), (2) pumping facilities, (3) wastewater treatment plants, and (4) operation and maintenance equipment. There are several key sewer collectors that are made out of concrete, 25 years or older, and pretty dilapidated. Also, the main pumping plants (PP1, 2, 3, and 4) are in immediate need of repair and/or upgrades because of old and dilapidated equipment (e.g., motors). There is short-circuiting at the Zaragoza WWTP and structural damage at the Las Arenitas WWTP. To compound the problem with the sewage collector, CESPMS has only one sewer vacuum truck left to service the entire sewage collection system for Mexicali! The projected costs to address these problems is approximately \$39.3M (\$7.4M for the sewage collectors, \$9.5M for the pumping facilities, \$3.4M for the WWTPs, and \$7.5M for operation and maintenance equipment). The problems are already resulting in bypasses of raw sewage into the New River. In fact, this year alone Mexico has reported that three major bypasses of raw sewage into the New River, ranging in size from 3.5 up to more than 20 million gallons per day. He also mentioned that the Board staff has not been able to consistently participate in the meetings of the Binational Technical Committee (BTC) for the New River/Mexicali Sanitation Program and represent the state's interest primarily due to budgetary constraints.

Mr. Crites questioned when were the staff going to address that [the participation]. Mr. Angel mentioned that staff had informed Cal/EPA of the sewage problems and about the lack of presence in the BTC. He added that State Board has been supportive of staff's continued participation in the BTC. In fact, he reported that Cal/EPA recently approved travel for Vice Chair Wright and for him to participate in the next BTC meeting (scheduled for November 18th in Mexicali) to get a first-hand look at the infrastructure problems, hear Mexico's perspective on them, and develop policy to address them.

In terms of policy and Board involvement, Mr. Crites asked what has the Board done in the past when faced with similar problems, Mr. Angel stated that the Board has taken various steps, including previous Board Chairs writing on behalf of the Board to our federal counterparts (i.e., USEPA and US IBWC) that they urge and request that Mexico stop bypassing raw sewage. He mentioned that on other occasions the Board has passed Resolutions that have been transmitted to our legislature asking them to help address the problem. Further, he said that in the past staff used to send very "frank" letters to USEPA and US IBWC about the problem and their responsibility to address them. He concluded that the Board has been most effective when it builds a regional coalition that includes IID and the County to address the problem. Mr. Crites mentioned getting the Salton Sea Authority as part of the regional coalition. Mr. Davis suggested that the Board start with a letter [to USEPA and US IBWC] making this problem a priority. Chairwoman asked staff to

help her draft such a letter. Mr. Angel replied that staff would have a draft letter for her consideration in less than one week.

On a somewhat related matter, Mr. Davis asked whether there is public information about the how much the flows of the New and Alamo Rivers affect the Salton Sea. Mr. Angel answered that there is through the USGS website, based on overall flow and based on water quality

13. Colorado River Basin Water Board Executive Officer's Report — RP

Mr. Perdue reported that Ms. Wright, Mr. Muzik, and he attended the WQCC in Sacramento. Mr. Perdue informed the Board that he also approved as completed the \$30,000 [Enhanced Compliance Action] for the [Reata] \$60,000 fine. Mr. Perdue also reported that Jon Rokke had accepted a position with the Region 3 and his last day of work with our office would be the end of the month. He concluded his report by going over the logistics for the planed trip to Topock with Board members Muzik and Crites.

14. Colorado River Basin Water Board Member Comments

Ms. Wright mentioned that instead of having a discussion on Anti-degradation at the WQCC, they included a discussion on wetlands because it seems that every region is doing something regarding wetlands. She mentioned that State Board member Moore is taking the lead on this topic for the State Board. She mentioned that she was not able to participate in the Chairs' November teleconference, but her understanding is that State Board wants every region to identify a contact person for the wetlands topic.

Mr. Perdue mentioned that during the WQCC meeting the office presented the wetland projects led by Leon Lesika and the septic tank projects. Regarding other topics discussed during the WQCC, Mr. Muzik expressed consternation about the safety of Regional Boards that work closely with the Department of Forestry on addressing the potential water quality impacts caused by marihuana growers in Northern California.

Ms. Wright asked the Board members if anyone of them would be willing to serve as an alternate for the Chairs' teleconferences. Mr. Davis indicated he would be, provided he has enough advanced notice (e.g., through an email). Ms. Wright stated that if she cannot make the teleconference, she would let Ms. Well know and that Ms. Well would then inform Mr. Davis.

Mr. Muzik reported his District applied for grant funds to replace about \$12M of water mains, and that they received \$7.2M in grant funding after the District wrote a letter of protest after it was initially denied funding. Mr. Muzik also recognized Ms. Mickey Luckman—Joshua Basin Water District Board member—for attending the Regional Board meeting and congratulated her for their District's new recharge facility.

Mr. Davis stated that he would like to hear a progress report on Chromium VI cleanup issues, including issues being address by Coachella Valley Water District. Mr. Perdue suggested inviting someone from the Division of Drinking Water to talk to the Board about that topic also.

Several Board members expressed interest in having workshops in between Board meetings, for issues such as complex issues and informational items that tend to take more than one hour to cover and require Board engagement. Mr. Perdue stated he would prepare a list of potential topics for workshops.

15. Colorado River Basin Water Board Chair's Report — EW

Chairwoman Way had to excuse herself from the meeting, following the report from Mr. Haile.

CLOSED SESSION

16. At any time during the regular session, the Board may adjourn to meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

There was no closed session.

ARRANGEMENTS FOR NEXT BOARD MEETING: 9:00 a.m., THURSDAY, JANUARY 15, 2015, PALM DESERT, CA.

ADJOURNMENT OF BOARD MEETING: 11:12 a.m.